

## **REMARKS**

Applicant respectfully requests allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-29 are pending, with claims 1, 10, 20 and 29 being independent. Claims 1, 4-10, 15, and 20-29 are amended herein. Support for the claim amendments can be found in the original disclosure at least at paragraph [0034] and FIGS. 2, 3A, 3B, 4A, 4B, 4C, and 5.

### **Double Patenting Rejection**

Applicant requests that the provisional obviousness-type double patenting rejection be held in abeyance until allowance of one of the applications, as allowed by MPEP § 714.02(b). Applicant's representatives understood the Examiner to agree to hold this rejection in abeyance.

### **Claim Rejections under 35 U.S.C. § 112**

Without conceding the propriety of the rejections, and in the interest of expediting allowance of the application, claims 9, 15, and 20-29 are amended herein for clarification. Applicant submits that the claims comply with all aspects of § 112.

### **§ 101 Rejections**

**Claims 10-29 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.** Without conceding the propriety of the rejection, and in the interest of expediting allowance of the application, independent claims 10, 20, and 29 are

amended as discussed during the interview for clarification. Applicant's representatives understood the Examiner to agree that such amendments obviate the rejections under § 101.

### **Art Rejections**

**Claims 1, 4, 5, 7-10, 13, 17-20, 23, 24, and 26-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0101253 (Saito et al.).** Applicant respectfully traverses this rejection. Nevertheless, without conceding the propriety of the rejection, and in the interest of expediting allowance of the application, independent claims 1, 10, 20, and 29 are amended for clarification.

**Independent Claim 1** is directed to a method for managing the changes in topology of a media application's nodes, and recites, among other things, "receiving a partial media topology that defines how data flows through a plurality of nodes including at least a first media source node and at least a first media sink node" and "copying one or more nodes from [a] cached media topology to the partial media topology."

Saito et al. is directed to a "data distribution method...between user terminals" (Abstract), those user terminals being labeled "nodes" (paragraph [0047]) and the topology being the "network connection relationship (topology) among the respective nodes..." (paragraph [0059]). The Office Action asserts that Saito et al. discloses the handling of the topology including receiving, retrieving, and copying the nodes.

Applicant submits that Saito et al. neither discloses nor suggests a media topology as presently recited in Claim 1. Rather, Saito et al. discloses a completely different use

and definition for the words “node” and “topology.” For example, Claim 1 recites “a partial media topology **that defines how data flows through a plurality of nodes**” (emphasis added). In contrast, the term “topology” is used in Saito et al. to refer to a network connection relationship among user terminals of a network. Furthermore, Claim 1 recites “copying one or more nodes from [a] cached media topology to the partial media topology.” In contrast, Saito et al. refers to nodes which are terminal devices on a communications network, which do not appear to be capable of being cached or copied.

For at least the foregoing reasons, Applicant submits that Claim 1 is allowable over Saito et al.

**Independent Claims 10** discloses a system including “a topology loader to resolve the partial topology into a full media topology, wherein the topology loader is configured to copy one or more nodes from a cached media topology to resolve the full media topology, and the topologies define a flow of data through the nodes.”

Applicant submits that Saito et al. neither discloses nor suggests “a topology loader to resolve the partial topology into a full media topology, wherein the topology loader is configured to copy one or more nodes from a cached media topology to resolve the full media topology, and the topologies define a flow of data through the nodes,” as recited in Applicant’s Claim 10. Rather, Saito et al. discloses a completely different use and definition for the words “node” and “topologies” as being physical devices and a networks connections, respectively, and as discussed previously with respect to Claim 1.

For at least the foregoing reasons, Applicant submits that Claim 10 is allowable over Saito et al.

**Independent Claims 20** is directed to computer-readable media, and is allowable for reasons similar to those discussed above with respect to Claim 1.

**Independent Claims 29** discloses a “means for retrieving a cached media topology that defines how data flows through a plurality of nodes including at least a second media source node, at least a second media sink node, and at least one transform node” and “means for copying one or more nodes from the cached media topology to a fully resolved media topology.”

As discussed above, Saito et al. is directed to a “data distribution method ... between user terminals” (Abstract), those user terminals being labeled “nodes” (paragraph [0047]) and the topology being the “network connection relationship (topology) among the respective nodes...” (paragraph [0059]). The Office Action asserts that Saito et al. discloses the handling of the topology including receiving, retrieving, and copying the nodes.

Applicant submits that Saito et al. neither discloses nor suggests a media topology as presently recited in Claim 29. For example, Saito et al. fails to disclose or suggest “means for retrieving a cached media topology that defines how data flows through a plurality of nodes including at least a second media source node, at least a second media sink node, and at least one transform node,” as presently recited in Applicant’s Claim 29. Rather, Saito et al. discloses a completely different use and definition for the words “node” and “topology” as referring to physical devices and a networks connections, respectively.

Saito et al. also fails to disclose or suggest “means for copying one or more nodes from the cached media topology to a fully resolved media topology,” as also presently

recited in independent claim 29. Instead, Saito et al. refers to terminal devices on a communications network, which are incapable of being cached or copied, and makes no mention of a transform node.

For at least the foregoing reasons, Applicant submits that Claim 29 is allowable over Saito et al.

**Dependent Claims** 4, 5, 7-9, 13, 17-19, 23, 24, and 26-28 depend from one of independent claims 1, 10, 20, or 29, and are allowable by virtue of this dependency, as well as for the additional features that each recites.

For example, **dependent Claim 6** depends from claim 1 and further comprises a method of “cloning a plurality of connected nodes from the cached media topology into the partial media topology.” Saito et al. makes no mention of cloning nodes. Accordingly, Claim 6 is allowable over Saito et al. for at least this additional reason.

**Claims 2, 3, 11, 12, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over Saito et al. in view of U.S. Patent No. 6,385,201 (Iwata)**

Applicant respectfully traverses this rejection.

Claims 2 and 3 depend from independent claim 1, claims 11 and 12 depend from independent claim 10, and claims 21 and 22 depend from independent claim 20, and all therefore include the features of their respective base claims.

As discussed above, Saito et al. fails to disclose or suggest the features of independent claims 1, 10, 20, and 29.

Iwata was cited for its alleged teaching of means for exchanging information between nodes. However, Iwata fails to remedy the deficiencies in Saito et al. noted

above with respect to the independent claims. Similar to Saito et al., Iwata describes a “communication network” (column 1, line 29) of “physical links” (column 1, line 37) between “network nodes” (column 1, line 33) of devices, but does not disclose a “media application” or the topology (i.e., flow of data through a plurality of nodes) of the media components therein.

Accordingly claims 2, 3, 11, 12, 21, and 22 are allowable over Saito et al. and Iwata whether taken alone or in combination (assuming for the sake of argument that the references can even be combined).

#### **CONCLUSION**

For at least the foregoing reasons, the claims are believed to be in condition for allowance.

If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

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